

House File 2660 - Enrolled

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1 1 HOUSE FILE 2660
1 2
1 3 AN ACT
1 4 RELATING TO AND MAKING APPROPRIATIONS TO THE JUSTICE SYSTEM.
1 5
1 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 7
1 8 Section 1. DEPARTMENT OF JUSTICE.
1 9 1. There is appropriated from the general fund of the
1 10 state to the department of justice for the fiscal year
1 11 beginning July 1, 2008, and ending June 30, 2009, the
1 12 following amounts, or so much thereof as is necessary, to be
1 13 used for the purposes designated:
1 14 a. For the general office of attorney general for
1 15 salaries, support, maintenance, and miscellaneous purposes,
1 16 including the prosecuting attorneys training program, victim
1 17 assistance grants, office of drug control policy (ODCP)
1 18 prosecuting attorney program, and odometer fraud enforcement,
1 19 and for not more than the following full-time equivalent
1 20 positions:
1 21 \$ 9,437,720
1 22 FTEs 226.50
1 23 It is the intent of the general assembly that as a
1 24 condition of receiving the appropriation provided in this
1 25 lettered paragraph, the department of justice shall maintain a
1 26 record of the estimated time incurred representing each agency
1 27 or department.
1 28 b. For victim assistance grants:
1 29 \$ 150,000
1 30 The funds appropriated in this lettered paragraph shall be
1 31 used to provide grants to care providers providing services to
1 32 crime victims of domestic abuse or to crime victims of rape
1 33 and sexual assault.
1 34 It is the intent of the general assembly to appropriate
1 35 from the general fund of the state to the department of
2 1 justice for victim assistance grants the following amount:
2 2 \$1,000,000 for the fiscal year beginning July 1, 2009, and
2 3 ending June 30, 2010.
2 4 The balance of the victim compensation fund established in
2 5 section 915.94 may be used to provide salary and support of
2 6 not more than 22 FTEs and to provide maintenance for the
2 7 victim compensation functions of the department of justice.
2 8 As a condition of receiving the appropriation in this
2 9 lettered paragraph, the department of justice shall transfer
2 10 at least \$3,200,000 from the victim compensation fund
2 11 established in section 915.94 to the victim assistance grant
2 12 program.
2 13 As a condition of receiving the appropriation in this
2 14 lettered paragraph, the department of justice shall transfer
2 15 at least \$850,000 from the proceeds of forfeited property
2 16 delivered to the department pursuant to section 809A.17 to be
2 17 used for the victim assistance grant program.
2 18 c. For legal services for persons in poverty grants as
2 19 provided in section 13.34:
2 20 \$ 2,000,000
2 21 d. For the purpose of funding farm mediation services and
2 22 other farm assistance program provisions in accordance with
2 23 sections 13.13 through 13.24:
2 24 \$ 300,000
2 25 2. a. The department of justice, in submitting budget
2 26 estimates for the fiscal year commencing July 1, 2009,
2 27 pursuant to section 8.23, shall include a report of funding
2 28 from sources other than amounts appropriated directly from the
2 29 general fund of the state to the department of justice or to
2 30 the office of consumer advocate. These funding sources shall
2 31 include but are not limited to reimbursements from other state
2 32 agencies, commissions, boards, or similar entities, and
2 33 reimbursements from special funds or internal accounts within
2 34 the department of justice. The department of justice shall
2 35 also report actual reimbursements for the fiscal year
3 1 commencing July 1, 2007, and actual and expected
3 2 reimbursements for the fiscal year commencing July 1, 2008.
3 3 b. The department of justice shall include the report

4 required under paragraph "a", as well as information regarding
 5 any revisions occurring as a result of reimbursements actually
 6 received or expected at a later date, in a report to the co-
 7 chairpersons and ranking members of the joint appropriations
 8 subcommittee on the justice system and the legislative
 9 services agency. The department of justice shall submit the
 10 report on or before January 15, 2009.

11 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
 12 appropriated from the general fund of the state to the office
 13 of consumer advocate of the department of justice for the
 14 fiscal year beginning July 1, 2008, and ending June 30, 2009,
 15 the following amount, or so much thereof as is necessary, to
 16 be used for the purposes designated:

17 For salaries, support, maintenance, miscellaneous purposes,
 18 and for not more than the following full-time equivalent
 19 positions:

| | |
|----------|--------------|
| 20 | \$ 3,101,884 |
| 21 | FTEs 27.00 |

22 Sec. 3. DEPARTMENT OF CORRECTIONS == FACILITIES.

23 1. There is appropriated from the general fund of the
 24 state to the department of corrections for the fiscal year
 25 beginning July 1, 2008, and ending June 30, 2009, the
 26 following amounts, or so much thereof as is necessary, to be
 27 used for the purposes designated:

28 For the operation of adult correctional institutions,
 29 reimbursement of counties for certain confinement costs, and
 30 federal prison reimbursement, to be allocated as follows:

31 a. For the operation of the Fort Madison correctional
 32 facility, including salaries, support, maintenance, and
 33 miscellaneous purposes:

| | |
|----------|---------------|
| 34 | \$ 44,756,586 |
|----------|---------------|

35 b. For the operation of the Anamosa correctional facility,
 1 including salaries, support, maintenance, and miscellaneous
 2 purposes:

| | |
|---------|---------------|
| 3 | \$ 31,428,054 |
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4 As a condition of the funds appropriated in this lettered
 5 paragraph, the department of corrections shall replace expired
 6 federal funding by expending at least \$238,252 for
 7 continuation of a treatment program that prepares offenders
 8 for on-going therapeutic treatment programs offered by the
 9 department and maintaining at least 4.75 full-time equivalent
 10 positions for the program.

11 Moneys are provided within this appropriation for one full-
 12 time substance abuse counselor for the Luster Heights facility
 13 for the purpose of certification of a substance abuse program
 14 at that facility.

15 c. For the operation of the Oakdale correctional facility,
 16 including salaries, support, maintenance, and miscellaneous
 17 purposes:

| | |
|----------|---------------|
| 18 | \$ 58,128,271 |
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19 d. For the operation of the Newton correctional facility,
 20 including salaries, support, maintenance, and miscellaneous
 21 purposes:

| | |
|----------|---------------|
| 22 | \$ 27,978,941 |
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23 e. For the operation of the Mt. Pleasant correctional
 24 facility, including salaries, support, maintenance, and
 25 miscellaneous purposes:

| | |
|----------|---------------|
| 26 | \$ 27,290,452 |
|----------|---------------|

27 f. For the operation of the Rockwell City correctional
 28 facility, including salaries, support, maintenance, and
 29 miscellaneous purposes:

| | |
|----------|--------------|
| 30 | \$ 9,262,685 |
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31 g. For the operation of the Clarinda correctional
 32 facility, including salaries, support, maintenance, and
 33 miscellaneous purposes:

| | |
|----------|---------------|
| 34 | \$ 25,207,465 |
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35 Moneys received by the department of corrections as
 1 reimbursement for services provided to the Clarinda youth
 2 corporation are appropriated to the department and shall be
 3 used for the purpose of operating the Clarinda correctional
 4 facility.

5 h. For the operation of the Mitchellville correctional
 6 facility, including salaries, support, maintenance, and
 7 miscellaneous purposes:

| | |
|---------|---------------|
| 8 | \$ 15,935,768 |
|---------|---------------|

9 i. For the operation of the Fort Dodge correctional
 10 facility, including salaries, support, maintenance, and
 11 miscellaneous purposes:

| | |
|----------|---------------|
| 12 | \$ 29,823,711 |
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13 j. For reimbursement of counties for temporary confinement
 14 of work release and parole violators, as provided in sections

5 15 901.7, 904.908, and 906.17, and for offenders confined
 5 16 pursuant to section 904.513:
 5 17 \$ 967,983
 5 18 k. For federal prison reimbursement, reimbursements for
 5 19 out-of-state placements, and miscellaneous contracts:
 5 20 \$ 241,293
 5 21 2. The department of corrections shall use funds
 5 22 appropriated in subsection 1 to continue to contract for the
 5 23 services of a Muslim imam.
 5 24 Sec. 4. DEPARTMENT OF CORRECTIONS == ADMINISTRATION.
 5 25 1. There is appropriated from the general fund of the
 5 26 state to the department of corrections for the fiscal year
 5 27 beginning July 1, 2008, and ending June 30, 2009, the
 5 28 following amounts, or so much thereof as is necessary, to be
 5 29 used for the purposes designated:
 5 30 a. For general administration, including salaries,
 5 31 support, maintenance, employment of an education director to
 5 32 administer a centralized education program for the
 5 33 correctional system, and miscellaneous purposes:
 5 34 \$ 5,050,732
 5 35 (1) It is the intent of the general assembly that as a
 6 1 condition of receiving the appropriation provided in this
 6 2 lettered paragraph the department of corrections shall not,
 6 3 except as otherwise provided in subparagraph (3), enter into a
 6 4 new contract, unless the contract is a renewal of an existing
 6 5 contract, for the expenditure of moneys in excess of \$100,000
 6 6 during the fiscal year beginning July 1, 2008, for the
 6 7 privatization of services performed by the department using
 6 8 state employees as of July 1, 2008, or for the privatization
 6 9 of new services by the department without prior consultation
 6 10 with any applicable state employee organization affected by
 6 11 the proposed new contract and prior notification of the co=
 6 12 chairpersons and ranking members of the joint appropriations
 6 13 subcommittee on the justice system.
 6 14 (2) It is the intent of the general assembly that each
 6 15 lease negotiated by the department of corrections with a
 6 16 private corporation for the purpose of providing private
 6 17 industry employment of inmates in a correctional institution
 6 18 shall prohibit the private corporation from utilizing inmate
 6 19 labor for partisan political purposes for any person seeking
 6 20 election to public office in this state and that a violation
 6 21 of this requirement shall result in a termination of the lease
 6 22 agreement.
 6 23 (3) It is the intent of the general assembly that as a
 6 24 condition of receiving the appropriation provided in this
 6 25 lettered paragraph the department of corrections shall not
 6 26 enter into a lease or contractual agreement pursuant to
 6 27 section 904.809 with a private corporation for the use of
 6 28 building space for the purpose of providing inmate employment
 6 29 without providing that the terms of the lease or contract
 6 30 establish safeguards to restrict, to the greatest extent
 6 31 feasible, access by inmates working for the private
 6 32 corporation to personal identifying information of citizens.
 6 33 b. For educational programs for inmates at state penal
 6 34 institutions:
 6 35 \$ 1,570,358
 7 1 As a condition of receiving the appropriation in this
 7 2 lettered paragraph, the department of corrections shall
 7 3 transfer at least \$300,000 from the canteen operating funds
 7 4 established pursuant to section 904.310 to be used for
 7 5 correctional educational programs funded in this lettered
 7 6 paragraph. In addition, as a condition of receiving the
 7 7 appropriation made in this lettered paragraph, the department
 7 8 of corrections shall expend, from the funds available to the
 7 9 department, at least \$300,000 more in the fiscal year
 7 10 beginning July 1, 2008, and ending June 30, 2009, than was
 7 11 expended in the previous fiscal year, for correctional
 7 12 education programs.
 7 13 It is the intent of the general assembly that moneys
 7 14 appropriated in this lettered paragraph shall be used solely
 7 15 for the purpose indicated and that the moneys shall not be
 7 16 transferred for any other purpose. In addition, it is the
 7 17 intent of the general assembly that the department shall
 7 18 consult with the community colleges in the areas in which the
 7 19 institutions are located to utilize moneys appropriated in
 7 20 this lettered paragraph to fund the high school completion,
 7 21 high school equivalency diploma, adult literacy, and adult
 7 22 basic education programs in a manner so as to maintain these
 7 23 programs at the institutions.
 7 24 To maximize the funding for educational programs, the
 7 25 department shall establish guidelines and procedures to

7 26 prioritize the availability of educational and vocational
 7 27 training for inmates based upon the goal of facilitating an
 7 28 inmate's successful release from the correctional institution.
 7 29 The director of the department of corrections may transfer
 7 30 moneys from Iowa prison industries for use in educational
 7 31 programs for inmates.
 7 32 Notwithstanding section 8.33, moneys appropriated in this
 7 33 lettered paragraph that remain unobligated or unexpended at
 7 34 the close of the fiscal year shall not revert but shall remain
 7 35 available for expenditure only for the purpose designated in
 8 1 this lettered paragraph until the close of the succeeding
 8 2 fiscal year.
 8 3 c. For the development of the Iowa corrections offender
 8 4 network (ICON) data system:
 8 5 \$ 427,700
 8 6 d. For offender mental health and substance abuse
 8 7 treatment:
 8 8 \$ 25,000
 8 9 e. For viral hepatitis prevention and treatment:
 8 10 \$ 188,000
 8 11 2. It is the intent of the general assembly that the
 8 12 department of corrections shall continue to operate the
 8 13 correctional farms under the control of the department at the
 8 14 same or greater level of participation and involvement as
 8 15 existed as of January 1, 2008; shall not enter into any rental
 8 16 agreement or contract concerning any farmland under the
 8 17 control of the department that is not subject to a rental
 8 18 agreement or contract as of January 1, 2008, without prior
 8 19 legislative approval; and shall further attempt to provide job
 8 20 opportunities at the farms for inmates. The department shall
 8 21 attempt to provide job opportunities at the farms for inmates
 8 22 by encouraging labor-intensive farming or gardening where
 8 23 appropriate; using inmates to grow produce and meat for
 8 24 institutional consumption; researching the possibility of
 8 25 instituting food canning and cook-and-chill operations; and
 8 26 exploring opportunities for organic farming and gardening,
 8 27 livestock ventures, horticulture, and specialized crops.
 8 28 3. The department of corrections shall provide a smoking
 8 29 cessation program to offenders committed to the custody of the
 8 30 director or who are otherwise detained by the department, that
 8 31 complies with legislation enacted restricting or prohibiting
 8 32 smoking on the grounds of correctional institutions.
 8 33 4. As a condition of receiving the appropriations made in
 8 34 this section, the department of corrections shall develop and
 8 35 implement offender reentry centers in Black Hawk and Polk
 9 1 counties to provide transitional planning and release
 9 2 primarily for offenders released from the Iowa correctional
 9 3 institution for women at Mitchellville and the Fort Dodge
 9 4 correctional facility. Programming shall include minority and
 9 5 gender-specific responsivity, employment, substance abuse
 9 6 treatment, mental health services, housing, and family
 9 7 reintegration. The department of corrections shall
 9 8 collaborate with the first and fifth judicial district
 9 9 departments of correctional services, Iowa department of
 9 10 workforce development, department of human services,
 9 11 community-based providers and faith-based organizations, and
 9 12 local law enforcement.
 9 13 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
 9 14 SERVICES.
 9 15 1. There is appropriated from the general fund of the
 9 16 state to the department of corrections for the fiscal year
 9 17 beginning July 1, 2008, and ending June 30, 2009, for the
 9 18 treatment and supervision of probation and parole violators
 9 19 who have been released from the department of corrections
 9 20 violator program, the following amounts, or so much thereof as
 9 21 is necessary, to be allocated as follows:
 9 22 a. For the first judicial district department of
 9 23 correctional services:
 9 24 \$ 13,103,903
 9 25 As a condition of the funds appropriated in this lettered
 9 26 paragraph, the department of corrections shall replace expired
 9 27 federal funding by expending at least \$140,000 for the dual
 9 28 diagnosis program and maintaining 1.25 full-time equivalent
 9 29 positions for the program.
 9 30 b. For the second judicial district department of
 9 31 correctional services:
 9 32 \$ 10,835,021
 9 33 c. For the third judicial district department of
 9 34 correctional services:
 9 35 \$ 5,914,624
 10 1 d. For the fourth judicial district department of

10 2 correctional services:
10 3 \$ 5,435,240
10 4 e. For the fifth judicial district department of
10 5 correctional services, including funding for electronic
10 6 monitoring devices for use on a statewide basis:
10 7 \$ 18,813,816
10 8 f. For the sixth judicial district department of
10 9 correctional services:
10 10 \$ 13,991,982
10 11 The sixth judicial district department of correctional
10 12 services shall maintain a youth leadership model program to
10 13 help at-risk youth. As a part of the program, the district
10 14 department may recruit college or high school students in the
10 15 judicial district to work with at-risk youth. The student
10 16 workers shall be recruited regardless of gender and be
10 17 recommended by their respective schools as good role models,
10 18 including but not limited to students who possess capabilities
10 19 in one or more of the following areas of ability:
10 20 intellectual capacity, athletics, visual arts, or performing
10 21 arts.
10 22 g. For the seventh judicial district department of
10 23 correctional services:
10 24 \$ 7,053,660
10 25 h. For the eighth judicial district department of
10 26 correctional services:
10 27 \$ 7,066,926
10 28 2. Each judicial district department of correctional
10 29 services, within the funding available, shall continue
10 30 programs and plans established within that district to provide
10 31 for intensive supervision, sex offender treatment, diversion
10 32 of low-risk offenders to the least restrictive sanction
10 33 available, job development, and expanded use of intermediate
10 34 criminal sanctions.
10 35 3. Each judicial district department of correctional
11 1 services shall provide alternatives to prison consistent with
11 2 chapter 901B. The alternatives to prison shall ensure public
11 3 safety while providing maximum rehabilitation to the offender.
11 4 A judicial district department of correctional services may
11 5 also establish a day program.
11 6 4. The governor's office of drug control policy shall
11 7 consider federal grants made to the department of corrections
11 8 for the benefit of each of the eight judicial district
11 9 departments of correctional services as local government
11 10 grants, as defined pursuant to federal regulations.
11 11 5. The department of corrections shall continue to
11 12 contract with a judicial district department of correctional
11 13 services to provide for the rental of electronic monitoring
11 14 equipment which shall be available statewide.
11 15 Sec. 6. DEPARTMENT OF CORRECTIONS == REALLOCATION OF
11 16 APPROPRIATIONS. Notwithstanding section 8.39, within the
11 17 funds appropriated in this Act to the department of
11 18 corrections, the department may reallocate the funds
11 19 appropriated and allocated as necessary to best fulfill the
11 20 needs of the correctional institutions, administration of the
11 21 department, and the judicial district departments of
11 22 correctional services. However, in addition to complying with
11 23 the requirements of sections 904.116 and 905.8 and providing
11 24 notice to the legislative services agency, the department of
11 25 corrections shall also provide notice to the department of
11 26 management, prior to the effective date of the revision or
11 27 reallocation of an appropriation made pursuant to this
11 28 section. The department shall not reallocate an appropriation
11 29 or allocation for the purpose of eliminating any program.
11 30 Sec. 7. INTENT == REPORTS.
11 31 1. The department in cooperation with townships, the Iowa
11 32 cemetery associations, and other nonprofit or governmental
11 33 entities may use inmate labor during the fiscal year beginning
11 34 July 1, 2008, to restore or preserve rural cemeteries and
11 35 historical landmarks. The department in cooperation with the
12 1 counties may also use inmate labor to clean up roads, major
12 2 water sources, and other water sources around the state.
12 3 2. Each month the department shall provide a status report
12 4 regarding private-sector employment to the legislative
12 5 services agency beginning on July 1, 2008. The report shall
12 6 include the number of offenders employed in the private
12 7 sector, the combined number of hours worked by the offenders,
12 8 and the total amount of allowances, and the distribution of
12 9 allowances pursuant to section 904.702, including any moneys
12 10 deposited in the general fund of the state.
12 11 Sec. 8. ELECTRONIC MONITORING REPORT. The department of
12 12 corrections shall submit a report on electronic monitoring to

12 13 the general assembly, to the co=chairpersons and the ranking
12 14 members of the joint appropriations subcommittee on the
12 15 justice system, and to the legislative services agency by
12 16 January 15, 2009. The report shall specifically address the
12 17 number of persons being electronically monitored and break
12 18 down the number of persons being electronically monitored by
12 19 offense committed. The report shall also include a comparison
12 20 of any data from the prior fiscal year with the current year.

12 21 Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

12 22 1. As used in this section, unless the context otherwise
12 23 requires, "state agency" means the government of the state of
12 24 Iowa, including but not limited to all executive branch
12 25 departments, agencies, boards, bureaus, and commissions, the
12 26 judicial branch, the general assembly and all legislative
12 27 agencies, institutions within the purview of the state board
12 28 of regents, and any corporation whose primary function is to
12 29 act as an instrumentality of the state.

12 30 2. State agencies are hereby encouraged to purchase
12 31 products from Iowa state industries, as defined in section
12 32 904.802, when purchases are required and the products are
12 33 available from Iowa state industries. State agencies shall
12 34 obtain bids from Iowa state industries for purchases of office
12 35 furniture during the fiscal year beginning July 1, 2008,
13 1 exceeding \$5,000 or in accordance with applicable

13 2 administrative rules related to purchases for the agency.
13 3 Sec. 10. STATE PUBLIC DEFENDER. There is appropriated
13 4 from the general fund of the state to the office of the state
13 5 public defender of the department of inspections and appeals
13 6 for the fiscal year beginning July 1, 2008, and ending June
13 7 30, 2009, the following amounts, or so much thereof as is
13 8 necessary, to be allocated as follows for the purposes
13 9 designated:

13 10 1. For salaries, support, maintenance, miscellaneous
13 11 purposes, and for not more than the following full-time
13 12 equivalent positions:

13 13 \$ 21,749,296
13 14 FTEs 203.00

13 15 2. For the fees of court-appointed attorneys for indigent
13 16 adults and juveniles, in accordance with section 232.141 and
13 17 chapter 815:

13 18 \$ 31,282,538

13 19 Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.

13 20 1. There is appropriated from the general fund of the
13 21 state to the Iowa law enforcement academy for the fiscal year
13 22 beginning July 1, 2008, and ending June 30, 2009, the
13 23 following amount, or so much thereof as is necessary, to be
13 24 used for the purposes designated:

13 25 For salaries, support, maintenance, miscellaneous purposes,
13 26 including jailer training and technical assistance, and for
13 27 not more than the following full-time equivalent positions:

13 28 \$ 1,283,115
13 29 FTEs 30.05

13 30 It is the intent of the general assembly that the Iowa law
13 31 enforcement academy may provide training of state and local
13 32 law enforcement personnel concerning the recognition of and
13 33 response to persons with Alzheimer's disease.

13 34 The Iowa law enforcement academy may temporarily exceed and
13 35 draw more than the amount appropriated and incur a negative
14 1 cash balance as long as there are receivables equal to or
14 2 greater than the negative balance and the amount appropriated
14 3 in this subsection is not exceeded at the close of the fiscal
14 4 year.

14 5 2. The Iowa law enforcement academy may select at least
14 6 five automobiles of the department of public safety, division
14 7 of state patrol, prior to turning over the automobiles to the
14 8 department of administrative services to be disposed of by
14 9 public auction, and the Iowa law enforcement academy may
14 10 exchange any automobile owned by the academy for each
14 11 automobile selected if the selected automobile is used in
14 12 training law enforcement officers at the academy. However,
14 13 any automobile exchanged by the academy shall be substituted
14 14 for the selected vehicle of the department of public safety
14 15 and sold by public auction with the receipts being deposited
14 16 in the depreciation fund to the credit of the department of
14 17 public safety, division of state patrol.

14 18 Sec. 12. BOARD OF PAROLE. There is appropriated from the
14 19 general fund of the state to the board of parole for the
14 20 fiscal year beginning July 1, 2008, and ending June 30, 2009,
14 21 the following amount, or so much thereof as is necessary, to
14 22 be used for the purposes designated:

14 23 For salaries, support, maintenance, miscellaneous purposes,

14 24 and for not more than the following full-time equivalent
 14 25 positions:
 14 26 \$ 1,249,992
 14 27 FTEs 18.50
 14 28 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
 14 29 appropriated from the general fund of the state to the
 14 30 department of public defense for the fiscal year beginning
 14 31 July 1, 2008, and ending June 30, 2009, the following amounts,
 14 32 or so much thereof as is necessary, to be used for the
 14 33 purposes designated:
 14 34 1. MILITARY DIVISION
 14 35 For salaries, support, maintenance, miscellaneous purposes,
 15 1 and for not more than the following full-time equivalent
 15 2 positions:
 15 3 \$ 6,404,798
 15 4 FTEs 306.43
 15 5 The military division may temporarily exceed and draw more
 15 6 than the amount appropriated and incur a negative cash balance
 15 7 as long as there are receivables of federal funds equal to or
 15 8 greater than the negative balance and the amount appropriated
 15 9 in this subsection is not exceeded at the close of the fiscal
 15 10 year.
 15 11 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION
 15 12 a. For salaries, support, maintenance, miscellaneous
 15 13 purposes, and for not more than the following full-time
 15 14 equivalent positions:
 15 15 \$ 2,271,581
 15 16 FTEs 35.10
 15 17 The homeland security and emergency management division may
 15 18 temporarily exceed and draw more than the amount appropriated
 15 19 and incur a negative cash balance as long as there are
 15 20 receivables of federal funds equal to or greater than the
 15 21 negative balance and the amount appropriated in this
 15 22 subsection is not exceeded at the close of the fiscal year.
 15 23 It is the intent of the general assembly that the homeland
 15 24 security and emergency management division work in conjunction
 15 25 with the department of public safety, to the extent possible,
 15 26 when gathering and analyzing information related to potential
 15 27 domestic or foreign security threats, and when monitoring such
 15 28 threats.
 15 29 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is
 15 30 appropriated from the general fund of the state to the
 15 31 department of public safety for the fiscal year beginning July
 15 32 1, 2008, and ending June 30, 2009, the following amounts, or
 15 33 so much thereof as is necessary, to be used for the purposes
 15 34 designated:
 15 35 1. For the department's administrative functions,
 16 1 including the criminal justice information system, and for not
 16 2 more than the following full-time equivalent positions:
 16 3 \$ 4,455,581
 16 4 FTEs 39.00
 16 5 2. For the division of criminal investigation, including
 16 6 the state's contribution to the peace officers' retirement,
 16 7 accident, and disability system provided in chapter 97A in the
 16 8 amount of the state's normal contribution rate, as defined in
 16 9 section 97A.8, multiplied by the salaries for which the funds
 16 10 are appropriated, to meet federal fund matching requirements,
 16 11 and for not more than the following full-time equivalent
 16 12 positions:
 16 13 \$ 21,121,120
 16 14 FTEs 286.50
 16 15 If any of the Indian tribes fail to pay for one full-time
 16 16 equivalent position pursuant to the agreements or compacts
 16 17 entered into between the state and the Indian tribes pursuant
 16 18 to section 10A.104, subsection 10, the number of full-time
 16 19 equivalent positions authorized under this subsection is
 16 20 reduced by one full-time equivalent position.
 16 21 The department shall employ one additional special agent
 16 22 and one additional criminalist for the purpose of
 16 23 investigating cold cases. Prior to employing the additional
 16 24 special agent and criminalist authorized in this paragraph,
 16 25 the department shall provide a written statement to
 16 26 prospective employees that states to the effect that the
 16 27 positions are being funded by a temporary federal grant and
 16 28 there are no assurances that funds from other sources will be
 16 29 available after the federal funding expires. If the federal
 16 30 funding for the additional positions expires during the fiscal
 16 31 year, the number of full-time equivalent positions authorized
 16 32 in this subsection is reduced by two full-time equivalent
 16 33 positions.
 16 34 The department of public safety, with the approval of the

16 35 department of management, may employ no more than two special
17 1 agents and four gaming enforcement officers for each
17 2 additional riverboat or gambling structure regulated after
17 3 July 1, 2008, and one special agent for each racing facility
17 4 which becomes operational during the fiscal year which begins
17 5 July 1, 2008. One additional gaming enforcement officer, up
17 6 to a total of four per riverboat or gambling structure, may be
17 7 employed for each riverboat or gambling structure that has
17 8 extended operations to 24 hours and has not previously
17 9 operated with a 24-hour schedule. Positions authorized in
17 10 this paragraph are in addition to the full-time equivalent
17 11 positions otherwise authorized in this subsection.

17 12 3. For the criminalistics laboratory fund created in
17 13 section 691.9:

17 14 \$ 342,000

17 15 4. a. For the division of narcotics enforcement,
17 16 including the state's contribution to the peace officers'
17 17 retirement, accident, and disability system provided in
17 18 chapter 97A in the amount of the state's normal contribution
17 19 rate, as defined in section 97A.8, multiplied by the salaries
17 20 for which the funds are appropriated, to meet federal fund
17 21 matching requirements, and for not more than the following
17 22 full-time equivalent positions:

17 23 \$ 6,302,046

17 24 FTEs 82.00

17 25 b. For the division of narcotics enforcement for
17 26 undercover purchases:

17 27 \$ 123,343

17 28 5. For the division of state fire marshal, for fire
17 29 protection services as provided through the state fire service
17 30 and emergency response council as created in the department,
17 31 and for the state's contribution to the peace officers'
17 32 retirement, accident, and disability system provided in
17 33 chapter 97A in the amount of the state's normal contribution
17 34 rate, as defined in section 97A.8, multiplied by the salaries
17 35 for which the funds are appropriated, and for not more than
18 1 the following full-time equivalent positions:

18 2 \$ 3,991,394

18 3 FTEs 59.00

18 4 6. For the division of state patrol, for salaries,
18 5 support, maintenance, workers' compensation costs, and
18 6 miscellaneous purposes, including the state's contribution to
18 7 the peace officers' retirement, accident, and disability
18 8 system provided in chapter 97A in the amount of the state's
18 9 normal contribution rate, as defined in section 97A.8,
18 10 multiplied by the salaries for which the funds are
18 11 appropriated, and for not more than the following full-time
18 12 equivalent positions:

18 13 \$ 50,353,777

18 14 FTEs 536.00

18 15 As a condition of receiving the appropriation made in this
18 16 subsection, the department of public safety shall increase
18 17 expenditures for overtime paid to peace officer members of the
18 18 state patrol by \$350,000 and increase expenditures for fuel
18 19 used by the motor vehicles of such members by \$227,000. In
18 20 addition as a condition of receiving the appropriation made in
18 21 this subsection, the department shall hire and employ one
18 22 additional peace officer member of the state patrol.

18 23 It is the intent of the general assembly that members of
18 24 the state patrol be assigned to patrol the highways and roads
18 25 in lieu of assignments for inspecting school buses for the
18 26 school districts.

18 27 7. For deposit in the sick leave benefits fund established
18 28 under section 80.42 for all departmental employees eligible to
18 29 receive benefits for accrued sick leave under the collective
18 30 bargaining agreement:

18 31 \$ 316,179

18 32 8. For costs associated with the training and equipment
18 33 needs of volunteer fire fighters:

18 34 \$ 669,587

18 35 Notwithstanding section 8.33, moneys appropriated in this
19 1 subsection that remain unencumbered or unobligated at the
19 2 close of the fiscal year shall not revert but shall remain
19 3 available for expenditure only for the purpose designated in
19 4 this subsection until the close of the succeeding fiscal year.

19 5 Notwithstanding section 8.39, within the funds appropriated
19 6 in this section the department of public safety may reallocate
19 7 funds as necessary to best fulfill the needs provided for in
19 8 the appropriation. However, the department shall not
19 9 reallocate an appropriation made to the department in this
19 10 section unless notice of the reallocation is given to the

legislative services agency and the department of management prior to the effective date of the reallocation. The notice shall include information about the rationale for reallocating the appropriation. The department shall not reallocate an appropriation made in this section for the purpose of eliminating any program.

Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated from the general fund of the state to the Iowa state civil rights commission for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

| | |
|---|--------------|
| For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions: | |
| | \$ 1,504,036 |
| | FTEs 29.00 |

The Iowa state civil rights commission may enter into a contract with a nonprofit organization to provide legal assistance to resolve civil rights complaints.

Sec. 16. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION. There is appropriated from the wireless E911 emergency communications fund created in section 34A.7A to the administrator of the homeland security and emergency management division of the department of public defense for the fiscal year beginning July 1, 2008, and ending June 30, 2009, an amount not exceeding \$200,000 to be used for implementation, support, and maintenance of the functions of the administrator and program manager under chapter 34A and to employ the auditor of the state to perform an annual audit of the wireless E911 emergency communications fund.

Sec. 17. IOWA LAW ENFORCEMENT ACADEMY == FEES. Notwithstanding section 80B.11B, the Iowa law enforcement academy may charge more than one-half the cost of providing the basic training course if a majority of the Iowa law enforcement academy council authorizes charging more than one-half of the cost of providing basic training. This section is repealed on June 30, 2009.

Sec. 18. INTERIM REPORTING == IMPLEMENTATION. The board of parole shall develop and implement the certificate of employability program as provided in section 906.19, as enacted by this Act, by July 1, 2009. The board shall file an interim status report regarding the certificate of employability program development with the general assembly and the legislative services agency by January 1, 2009.

Sec. 19. CENTRAL WAREHOUSE AND SUPPLY DEPOT OF DEPARTMENT OF HUMAN SERVICES. It is the intent of the general assembly that upon completion of the central warehouse and supply depot of the department of corrections established pursuant to section 904.118A, as enacted by this Act, the department of human services shall cease utilizing the central warehouse and supply depot of the department of human services established pursuant to section 218.100.

Sec. 20. Section 135.11, Code Supplement 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 32. In consultation with the department of corrections, the antibiotic resistance task force, and the American federation of state, county and municipal employees, develop educational programs to increase awareness and utilization of infection control practices in institutions listed in section 904.102.

Sec. 21. Section 822.2, subsection 1, unnumbered paragraph 1, Code 2007, is amended to read as follows:

Any person who has been convicted of, or sentenced for, a public offense and who claims any of the following may institute, ~~without paying a filing fee,~~ a proceeding under this chapter to secure relief:

Sec. 22. Section 904.108, subsection 4, Code 2007, is amended to read as follows:

4. The director may expend moneys from the support allocation of the department as reimbursement for replacement or repair of personal items of the department's employees damaged or destroyed by clients of the department during the employee's tour of duty. However, the reimbursement shall not exceed ~~one three hundred fifty~~ one hundred dollars for each item. The director shall establish rules in accordance with chapter 17A to carry out the purpose of this subsection.

Sec. 23. NEW SECTION. 904.118A CENTRAL WAREHOUSE FUND. The department shall establish a fund for maintaining and operating a central warehouse and supply depot and distribution facility for surplus government products, canned

21 22 goods, paper products, other staples, and for such other items
21 23 as determined by the department. A department or agency of
21 24 the state or a political subdivision of this state may
21 25 purchase such products, goods, staples, or other items from
21 26 the central warehouse and supply depot. The fund shall be
21 27 permanent and shall be composed of the receipts from the sales
21 28 of merchandise and the recovery of handling, operating, and
21 29 delivery charges for such merchandise. Notwithstanding
21 30 section 8.33, moneys credited to the fund shall not revert to
21 31 any other fund. Notwithstanding section 12C.7, interest and
21 32 earnings on moneys deposited in the fund shall be credited to
21 33 the fund.

21 34 Sec. 24. NEW SECTION. 906.19 CERTIFICATES OF
21 35 EMPLOYABILITY.

22 1 1. As used in this section, "person" means a person on
22 2 parole or a person who is no longer on parole but is currently
22 3 unemployed or underemployed.

22 4 2. The board shall develop and implement a certificate of
22 5 employability program. The certificate program shall be
22 6 developed to maximize the opportunities for rehabilitation and
22 7 employability of a person and provide protection of the
22 8 community, while considering the needs of potential employers.

22 9 3. Issuance of a certificate of employability pursuant to
22 10 the program shall be based upon the successful completion of
22 11 designated programs and other relevant factors determined by
22 12 the board.

22 13 4. A person required to register under chapter 692A shall
22 14 be ineligible for the certificate of employability program.

22 15 5. The board shall develop and adopt rules pursuant to
22 16 chapter 17A for the implementation and administration of this
22 17 section.

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22 21 _____
22 22 PATRICK J. MURPHY
22 23 Speaker of the House

22 24

22 25

22 26

22 27 _____
22 28 JOHN P. KIBBIE
22 29 President of the Senate

22 30

22 31 I hereby certify that this bill originated in the House and
22 32 is known as House File 2660, Eighty=second General Assembly.

22 33

22 34

22 35 _____
23 1 MARK BRANDSGARD
23 2 Chief Clerk of the House

23 3 Approved _____, 2008

23 4

23 5

23 6

23 7 _____
23 8 CHESTER J. CULVER

23 9 Governor